

AMENDED IN SENATE JUNE 29, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Brownley

February 3, 2011

An act to amend Sections 33530, 33531, 33532, 33533, 33534, 33535, 33536, 33537, 33538, 33539, 33540, 60010, 60200, 60203, 60204, 60601, 60603, and 60604.5 of, to add Sections 60207; and 60208 to, and to repeal Section 60200.1 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Brownley. Instructional materials: pupil assessment.

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, as defined, and authorizes the state board to establish criteria for that purpose. Existing law sets forth a schedule for the submission of instructional materials to the state board for adoption. Notwithstanding this schedule, existing law prohibits the state board from adopting instructional materials or following the procedures related to that adoption until the ~~2014–15~~ 2015–16 school year.

This bill would delete the schedule for submission of instructional materials for foreign languages and health and the exception to the requirement that criteria for the evaluation of instruction be approved

when curriculum frameworks are approved or at least 30 months before the date that the materials are to be approved for adoption.

(2) Existing law establishes the Academic Content Standards Commission and requires the commission to develop internationally benchmarked academic content standards, at least 85% of which are required to be the common core academic standards developed by the Common Core State Standards Initiative consortium or another specified interstate collaboration. Existing law requires the state board by August 2, 2010, to either adopt the standards proposed by the commission or reject them.

This bill would require the state board to adopt revised curriculum frameworks and evaluation criteria that are aligned to the common core academic content standards developed by the consortium and adopted by the board for mathematics and English language arts no later than May 30, 2013, and May 30, 2014, respectively. The bill would require state board policies to ensure that *the English language arts* curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the ~~four~~ core subjects of mathematics, science, *and* history-social science, ~~and English language arts~~. The bill also would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the ~~four~~ 4 core subjects of mathematics, science, history-social science, and English language arts. The bill would require the curriculum frameworks to describe the manner in which content can be delivered to intentionally build pupil creativity, innovation, critical thinking, problem solving, collaboration, and communication into and across each content area.

(3) Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks for adoption by the state board, develop criteria for evaluating instructional materials, study and evaluate instructional materials submitted for adoption, recommend to the state board instructional materials that it approves for adoption, and review specified educational films or video recordings.

This bill would *rename the commission the Instructional Quality Advisory Committee, and would make conforming changes. The bill*

would also delete the requirement that the commission study and evaluate instructional materials, recommend instructional materials, and review specified educational films or video recordings. The bill would require the criteria developed for evaluating instructional materials to include specified directions to publishers to align the materials with English language development standards and incorporate strategies to address the needs of English learners and pupils with disabilities, and would require the committee to perform additional prescribed functions.

The bill would state the intent of the Legislature to provide to local educational agencies a process by which they may identify, evaluate, and recommend instructional materials for adoption to the state board, and ensure that school districts are provided with as many standards-aligned instructional material options as possible, ~~and direct the Superintendent of Public Instruction, in consultation with teachers and county offices of education, to develop model professional development modules and criteria to guide the development of those modules.~~ *The bill would require the Superintendent to develop a system of professional development for teachers and administrators that includes specified topics.*

The bill would ~~authorize~~ *require* the Superintendent and *authorize* school districts to recommend to the state board instructional materials for its adoption, and would require the state board to adopt procedures for the review of those instructional materials by the Superintendent and school districts, *as specified. The bill would require the State Department of Education to assess a reasonable fee on a publisher or manufacturer if it submits instructional materials for review after the applicable timeframe, as specified.*

(4) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program. Existing law makes the Greene Act inoperative on July 1, 2013, and repeals it on January 1, 2014.

This bill would require the Superintendent to develop recommendations, to be reported to the fiscal and appropriate policy committees of both houses of the Legislature on or before November

1, 2012, for the reauthorization of the statewide pupil assessment program and would require the recommendations to include a plan for transitioning to a system of high-quality assessments. The bill would require the recommendations to consider including specified characteristics in the reauthorized assessment system.

The bill would define, for purposes of the Greene Act, formative assessment, high-quality assessment, and interim assessment.

The bill would make the Greene Act inoperative on July 1, 2014, and would repeal the act as of January 1, 2015. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.

(5) This bill would make implementation of its provisions subject to the appropriation of funding for this purpose.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Curriculum Support and Reform Act of 2011.

3 SEC. 2. (a) The Legislature finds and declares all of the
4 following:

5 (1) California's pupils need and deserve access to instructional
6 programs that reflect the knowledge and skills that will prepare
7 them to be successful in college, careers, citizenship, and the global
8 economy.

9 (2) *To ensure that all pupils are successful in college, careers,*
10 *and citizenship, it is vital for educators to move beyond a focus*
11 *on basic competency in core subjects to promote deeper learning*
12 *and understanding of academic content at significantly higher*
13 *levels by focusing on critical thinking, communications,*
14 *collaboration, and creativity.*

1 ~~(2)~~

2 (3) To ensure that all pupils are provided with resources and
3 learning expectations necessary to succeed and be competitive in
4 the 21st century, it is imperative that the state's curriculum and
5 assessment system be based on high-quality, research- and
6 evidence-based academic content standards and promote creativity,
7 innovation, critical thinking, problem solving, collaboration, and
8 communication skills in all content areas.

9 ~~(3)~~

10 (4) To ensure that all California pupils are provided the
11 curriculum content necessary to be competitive in the 21st century,
12 it is essential that these pupils be taught by highly qualified and
13 effective teachers who are trained in strategies that promote
14 creativity, exploration, innovation, critical thinking, problem
15 solving, collaboration, and communication skills as well as the
16 academic content standards.

17 ~~(4)~~

18 (5) To ensure that California schools will prepare pupils to be
19 competitive in the 21st century, it is necessary that school and
20 school district administrators be trained not only in the academic
21 content standards and the state's high-quality assessment system,
22 but also in instructional leadership and management strategies that
23 include, but are not limited to, pedagogies of learning, motivation
24 of pupil learning, collaboration, respect for diversity, parental
25 involvement, staff relations and morale, and general training in
26 day-to-day school operations.

27 ~~(5)~~

28 (6) The state's current testing system includes grade level and
29 course specific tests, alternative and modified assessments for
30 pupils with special needs, primary language content tests in
31 Spanish, an English language development test, a high school exit
32 examination, and physical fitness tests.

33 ~~(6)~~

34 (7) Extending much of the state assessment system by an
35 additional year will allow the Legislature to examine current federal
36 initiatives and the call for the development of common assessments,
37 and to position the state's assessments in a manner that will allow
38 the state to adapt to changes in federal law, including the
39 reauthorization of the federal Elementary and Secondary Education

1 Act, before considering proposals for the reauthorization of the
2 state assessment system.

3 (7)

4 (8) The recent adoption of California's new common core
5 academic content standards will only have an impact on the
6 academic achievement of the state's pupils if the state works to
7 support teachers and improve instruction by developing and
8 adopting curriculum frameworks, instructional materials,
9 professional development, and assessments that are aligned to the
10 standards and appropriate for all pupils.

11 (b) It is the intent of the Legislature, in enacting this act, to do
12 all of the following:

13 (1) Develop a curriculum, instruction, and assessment system
14 to implement the common core state standards that intentionally
15 does both of the following:

16 (A) Focuses on integrating 21st century skills, including critical
17 thinking, problem solving, communication, collaboration,
18 creativity, and innovation, as a competency-based approach to
19 learning in all ~~academic~~ *core academic* content areas,
20 including English language arts, mathematics, history-social
21 science, science, *health education*, visual and performing arts, and
22 world languages.

23 (B) Promotes higher order thinking skills and interdisciplinary
24 approaches that integrate the use of supportive technologies,
25 inquiry, and problem-based learning to provide contexts for pupils
26 to apply learning in relevant, real-world scenarios and that prepare
27 pupils for college, career, and citizenship in the 21st century.

28 (2) Start a process for the development and adoption of
29 curriculum frameworks that are aligned to the state's common core
30 academic content standards.

31 (3) Create and sustain professional development training
32 opportunities that support teachers and administrators in delivering
33 to all pupils curriculum and instruction that are aligned to the
34 state's common core academic content standards.

35 (4) Extend the operative date of the state's assessment system
36 by one year and position the state's assessments in a manner that
37 will give the state flexibility to adapt to changes in federal law and
38 transition to high-quality assessments that are aligned to the
39 common core academic content standards.

1 SEC. 3. *Section 33530 of the Education Code is amended to*
2 *read:*

3 33530. (a) There is in the state government the ~~Curriculum~~
4 ~~Development and Supplemental Materials Commission~~
5 *Instructional Quality Advisory Committee* consisting of a Member
6 of the Assembly appointed by the Speaker of the Assembly, a
7 Member of the Senate appointed by the Senate Committee on
8 Rules, one public member appointed by the Speaker of the
9 Assembly, one public member appointed by the Senate Committee
10 on Rules, one public member appointed by the Governor, and 13
11 public members appointed by the ~~State Board of Education~~ *state*
12 *board* upon the recommendation of the Superintendent of Public
13 ~~Instruction~~ or the members of the ~~State Board of Education~~ *state*
14 *board*.

15 So

16 (b) So far as is practical and consistent with the duties assigned
17 to the ~~commission~~ *committee* by the ~~State Board of Education~~ *state*
18 *board*, at least seven of the 13 public members appointed by the
19 ~~State Board of Education~~ *state board* shall be persons, who because
20 they have taught, written, or lectured on the subject matter fields
21 specified in Section 33533, in the course of public or private
22 employment, have become recognized authorities or experienced
23 practitioners in ~~such~~ *those* fields. The ~~State Board of Education~~
24 *state board* shall make its appointments so as to ensure that, at any
25 one time, at least seven of the public members shall be current
26 classroom teachers, or mentor teachers, or both assigned to teach
27 kindergarten or any of grades 1 to 12, inclusive.

28 Notwithstanding

29 (c) *Notwithstanding* the requirement that seven of the public
30 members shall be current classroom teachers or mentor teachers,
31 current members of the ~~commission~~ *committee* who were appointed
32 on or before December 31, 1989, shall be allowed to complete
33 their terms.

34 In

35 (d) *In* making the remaining appointments to the ~~commission~~
36 *committee*, and in establishing the ~~commission's~~ *committee's*
37 advisory task forces or committees, the ~~State Board of Education~~
38 *state board* is encouraged to consider the role of other
39 representatives of the educational community in the development
40 of curriculum and instructional materials, including, but not limited

1 to, administrators, governing school board members, and parents
2 who are reflective of the various ethnic groups and types of school
3 districts in California.

4 *SEC. 4. Section 33531 of the Education Code is amended to*
5 *read:*

6 33531. (a) The Members of the Legislature appointed to the
7 ~~commission~~ *committee* pursuant to Section 33530 shall have the
8 powers and duties of a joint legislative committee on the subject
9 of curriculum development and supplemental materials, and shall
10 meet with, and participate in, the work of the ~~commission~~
11 *committee* to the extent that such participation is not incompatible
12 with their positions as Members of the Legislature.

13 ~~The~~

14 (b) ~~The~~ Members of the Legislature appointed to the ~~commission~~
15 *committee* shall serve at the pleasure of the appointing power.

16 *SEC. 5. Section 33532 of the Education Code is amended to*
17 *read:*

18 33532. (a) ~~Commission-Committee~~ members shall serve for
19 four-year terms, and shall not be eligible to serve more than one
20 full term. Prior service on the ~~commission~~ *committee* for a term
21 of less than three years resulting from an initial appointment or an
22 appointment for the remainder of an unexpired term shall not be
23 counted as a full term.

24 (b) With respect to the appointment of 13 public members by
25 the ~~State Board of Education~~ *state board* to the first ~~commission~~
26 *committee*, four shall be appointed for terms of two years, four
27 shall be appointed for terms of three years, and five shall be
28 appointed for a term of four years.

29 *SEC. 6. Section 33533 of the Education Code is amended to*
30 *read:*

31 33533. The Superintendent of ~~Public Instruction~~ and the ~~State~~
32 ~~Board of Education~~ *state board* shall consider for membership on
33 the ~~commission~~ *committee* persons representing subjects commonly
34 taught in public schools, including:

- 35 (a) English.
- 36 (b) Social sciences.
- 37 (c) Foreign languages.
- 38 (d) Science.
- 39 (e) Mathematics.
- 40 (f) Visual and performing arts.

1 (g) Applied arts.

2 (h) Conservation education.

3 *SEC. 7. Section 33534 of the Education Code is amended to*
4 *read:*

5 33534. The Superintendent of ~~Public Instruction~~ or his or her
6 representative shall serve as executive secretary to the ~~commission~~
7 *committee*.

8 *SEC. 8. Section 33535 of the Education Code is amended to*
9 *read:*

10 33535. The members of the ~~commission~~ *committee* shall serve
11 without compensation, except that they shall receive their actual
12 and necessary travel expenses in attending meetings of the
13 ~~commission~~ *committee* and in attending meetings of any ~~committee~~
14 ~~or subcommittee of the commission committee~~ of which they are
15 members. Expenses of the ~~commission~~ *committee* shall be paid
16 out of appropriations made to the Superintendent of ~~Public~~
17 ~~Instruction~~ or the State Department of Education.

18 *SEC. 9. Section 33536 of the Education Code is amended to*
19 *read:*

20 33536. The ~~commission~~ *committee* shall select one of its
21 members to be chairman of the ~~commission~~ *committee*.

22 *SEC. 10. Section 33537 of the Education Code is amended to*
23 *read:*

24 33537. Whenever an employee of any public school district,
25 state college, or other public agency is appointed to membership
26 on the ~~commission~~ *committee*, his or her employer shall grant him
27 or her sufficient time away from his or her regular duties, without
28 loss of income or other benefits to which he or she is entitled by
29 reason of his or her employment, to attend meetings of the
30 ~~commission~~ *committee* and to attend to the duties imposed upon
31 him or her by reason of his or her membership on the ~~commission~~
32 *committee*. The employer of ~~any such a~~ *committee* member may
33 make available ~~such the~~ stenographic, secretarial, and staff
34 assistance ~~as that~~ is reasonably necessary to enable him or her to
35 execute the duties imposed upon him or her by reason of his or
36 her membership on the ~~commission~~ *committee*.

37 *SEC. 11. Section 33538 of the Education Code is amended to*
38 *read:*

39 33538. The ~~commission~~ *committee* shall study problems of
40 courses of study in the schools of the state and shall, upon request

1 of the ~~State Board of Education~~ *state board*, recommend to the
2 ~~State Board of Education~~ *state board* the adoption of minimum
3 standards for courses of study in preschool, kindergarten,
4 elementary, and secondary schools. Courses of study in the public
5 schools shall conform to ~~such~~ *those* minimum standards when
6 adopted.

7 *SEC. 12. Section 33539 of the Education Code is amended to*
8 *read:*

9 33539. As used in this article, ~~“commission”~~ *“committee”*
10 means the ~~Curriculum Development and Supplemental Materials~~
11 ~~Commission~~ *Instructional Quality Advisory Committee*.

12 *SEC. 13. Section 33540 of the Education Code is amended to*
13 *read:*

14 33540. (a) The ~~State Board of Education~~ *state board* and the
15 department shall request that the ~~commission~~ *committee* review
16 and revise, as necessary, the course requirements in the
17 history-social science framework developed by the History-Social
18 Science Curriculum Framework and Criteria Committee of the
19 state board to ensure that minimum standards for courses in
20 American government and civics include sufficient attention to
21 teaching pupils how to interact, in a practical manner, with state
22 and local governmental agencies and representatives to solve
23 problems and to petition for changes in laws and procedures.

24 (b) When the history-social science framework is revised as
25 required by law, the ~~commission~~ *committee* shall ensure that the
26 following historical documents are incorporated into the
27 framework, as appropriate:

28 (1) The Declaration of Independence.

29 (2) The United States Constitution, including the Bill of Rights.

30 (3) The Federalist Papers.

31 (4) The Emancipation Proclamation.

32 (5) The Gettysburg Address.

33 (6) George Washington’s Farewell Address.

34 *SEC. 14. Section 60010 of the Education Code is amended to*
35 *read:*

36 60010. For purposes of this part, the following terms have the
37 following meanings unless the context in which they appear clearly
38 requires otherwise:

39 (a) “Basic instructional materials” means instructional materials
40 that are designed for use by pupils as a principal learning resource

1 and that meet in organization and content the basic requirements
2 of the intended course.

3 (b) ~~“Commission”~~ “Committee” means the ~~Curriculum~~
4 ~~Development and Supplemental Materials Commission~~
5 *Instructional Quality Advisory Committee*.

6 (c) “Curriculum framework” means an outline of the components
7 of a given course of study designed to provide state direction to
8 school districts in the provision of instructional programs.

9 (d) “District board” means the board of education or governing
10 board of a county, city and county, city, or other district that has
11 the duty to provide for the education of the children in its county,
12 city and county, city, or district.

13 (e) “Elementary school” means all public schools in which
14 instruction is given through grade 8 or in any one or more of those
15 grades.

16 (f) “Governing boards” means the state board and any one or
17 more district boards.

18 (g) “High school” means all public schools other than
19 elementary schools in which instruction is given through grade
20 12, or in any one or more of those grades.

21 (h) “Instructional materials” means all materials that are
22 designed for use by pupils and their teachers as a learning resource
23 and help pupils to acquire facts, skills, or opinions or to develop
24 cognitive processes. Instructional materials may be printed or
25 nonprinted, and may include textbooks, technology-based
26 materials, other educational materials, and tests.

27 (i) “Nonpublic school” means a school that both satisfies the
28 requirements of Section 48222, and is exempt from taxation under
29 Section 214 of the Revenue and Taxation Code.

30 (j) “School official” means a member of a governing board, a
31 city, county, city and county, or district superintendent of schools,
32 and a principal, teacher, or other employee under his or her charge.

33 (k) “State board” means the State Board of Education.

34 (l) “Supplementary instructional materials” means instructional
35 materials designed to serve, but not be limited to, one or more of
36 the following purposes, for a given subject, at a given grade level:

37 (1) To provide more complete coverage of a subject or subjects
38 included in a given course.

39 (2) To provide for meeting the various learning ability levels
40 of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(5) To use current, relevant technology that further engages interactive learning in the classroom and beyond.

(m) (1) “Technology-based materials” means basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases.

(2) Technology-based materials do not include the electronic equipment required to make use of those materials, unless that equipment is to be used by pupils and teachers as a learning resource. However, this shall not be construed to authorize a school district to replace computers or related equipment in an existing computer lab or allow a school district to establish a new computer lab.

(3) Nothing in this subdivision shall be construed to relieve a school district of the obligation to provide pupils with sufficient textbooks or instructional materials pursuant to paragraph (1) of subdivision (c) of Section 60119. If a county office of education determines that a school district is out of compliance with paragraph (1) of subdivision (c) of Section 60119, that school district is not authorized to procure electronic equipment pursuant to paragraph (2) of this subdivision.

(n) “Test” means a device used to measure the knowledge or achievement of pupils.

~~SEC. 3.~~

SEC. 15. Section 60200 of the Education Code is amended to read:

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following subject areas:

(1) Language arts, including, but not limited to, spelling and reading. However, the state board may not adopt basic instructional materials in this category or the category specified by paragraph (2) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(2) Mathematics. The state board may not adopt basic instructional materials in this category or the category specified by paragraph (1) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

(b) The state board shall adopt procedures for the submission of basic instructional materials and for review of submitted instructional materials by the Superintendent and school districts in order to comply with each of the following:

~~(1) Instructional materials may be submitted for review by the Superintendent and school districts~~ *The Superintendent shall, and school districts may, submit instructional materials for review in any of the subject areas pursuant to paragraphs (1) to (5) (6), inclusive, of subdivision (a) two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) every eight years.* The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area ~~consistent with the six- and eight-year submission cycles~~ and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of Section 60204 are consistent with subdivision ~~(e)~~ (d). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) If a publisher or manufacturer submits an instructional material for review to the Superintendent after the timeframe specified by the state board, the department shall assess a fee on the submitting publisher or manufacturer in an amount that shall

1 *not exceed the reasonable costs to the department to conduct a*
2 *review of the instructional material pursuant to this section.*

3 ~~(2)~~

4 (3) Instructional materials recommended by the Superintendent
5 or a school district for adoption by the state board shall be adopted
6 or rejected within six months of the date the materials are
7 recommended by the Superintendent or a school district, unless
8 the state board determines that a longer period of time, not to
9 exceed an additional three months, is necessary due to the estimated
10 volume or complexity of the materials for that subject in that year,
11 or due to other circumstances beyond the reasonable control of the
12 state board.

13 (4) *Instructional materials submitted by school districts may be*
14 *developed by either a district or by publishers or manufacturers*
15 *of instructional materials. Publishers or manufacturers of*
16 *instructional materials may submit instructional materials to either*
17 *a school district or to the Superintendent.*

18 (5) *The process for review of instructional materials shall*
19 *involve review committees, which shall include, but not be limited*
20 *to, volunteer content experts and instructional material reviewers,*
21 *and shall be composed of a majority of classroom teachers from*
22 *a wide variety of affected grade levels and subject areas.*

23 (6) *The rules and procedures for adoption of instructional*
24 *materials shall be transparent and consistently applicable*
25 *regardless of the format of the instructional materials, which may*
26 *include, but not be limited to, print, digital, and open-source*
27 *instructional materials.*

28 (c) (1) The Superintendent and school districts may recommend
29 to the state board instructional materials for its adoption and use
30 in kindergarten and grades 1 to 8, inclusive.

31 (2) The Superintendent or a school district may recommend
32 only instructional materials that meet the criteria specified in
33 paragraphs (1) to (5), inclusive, of subdivision (d) and any other
34 criteria that the state board may establish as necessary to
35 accomplish the intent of Section 7.5 of Article IX of the California
36 Constitution.

37 (3) When the Superintendent and school districts recommend
38 instructional materials to the state board, they shall include reports
39 of findings that include information regarding alignment of
40 standards, program organization, pupil assessments, teacher

1 support, and support for English learners and pupils with
2 disabilities.

3 (4) The governing board of a school district choosing to
4 recommend instructional materials to the state board shall ensure
5 that a majority of a review committee convened by the school
6 district for the purpose of selecting the instructional materials is
7 comprised of classroom teachers who are assigned to teach the
8 grade in which the instructional materials are to be used.

9 (d) In reviewing and adopting or recommending for adoption
10 submitted basic instructional materials, the state board shall use
11 the following criteria, and ensure that, in its judgment, the
12 submitted basic instructional materials meet all of the following
13 criteria:

14 (1) Are consistent with the criteria and the standards of quality
15 prescribed in the state board's adopted curriculum framework. In
16 making this determination, the state board shall consider both the
17 framework and the submitted instructional materials as a whole.

18 (2) Comply with the requirements of Sections 60040, 60041,
19 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state
20 board's guidelines for social content.

21 (3) Are factually accurate and incorporate principles of
22 instruction reflective of current and confirmed research.

23 (4) Are aligned to the content standards adopted by the state
24 board in the subject area and the grade level or levels for which
25 they are submitted.

26 (5) Do not contain materials, including illustrations, that provide
27 unnecessary exposure to a commercial brand name, product, or
28 corporate or company logo. Materials, including illustrations, that
29 contain a commercial brand name, product, or corporate or
30 company logo may not be used unless the state board determines
31 that the use of the commercial brand name, product, or corporate
32 or company logo is appropriate based on one of the following
33 specific findings:

34 (A) If text, the use of the commercial brand name, product, or
35 corporate or company logo in the instructional materials is
36 necessary for an educational purpose, as defined in the guidelines
37 or frameworks adopted by the state board.

38 (B) If an illustration, the appearance of a commercial brand
39 name, product, or corporate or company logo in an illustration in

1 instructional materials is incidental to the general nature of the
2 illustration.

3 (6) Meet other criteria as are established by the state board as
4 being necessary to accomplish the intent of Section 7.5 of Article
5 IX of the California Constitution and of Section 1 of Chapter 1181
6 of the Statutes of 1989, provided that the criteria are approved by
7 resolution at the time the resolution adopting the framework for
8 the current adoption is approved, or at least 30 months before the
9 date that the materials are to be approved for adoption.

10 (e) If basic instructional materials are rejected, the state board
11 shall provide a specific, written explanation of the reasons why
12 the submitted materials were not adopted, based upon one or more
13 of the criteria established under subdivision (d). In providing this
14 explanation, the state board may use, in whole or in part, materials
15 written by the Superintendent, school districts, or any other advisers
16 to the state board.

17 (f) The state board may adopt fewer than five basic instructional
18 materials in each subject area for each grade level if either of the
19 following occurs:

20 (1) Fewer than five basic instructional materials are submitted.

21 (2) The state board specifically finds that fewer than five basic
22 instructional materials meet the criteria prescribed by paragraphs
23 (1) to (5), inclusive, of subdivision(d), or the materials fail to meet
24 the state board's adopted curriculum framework. If the state board
25 adopts fewer than five basic instructional materials in any subject
26 for any grade level, the state board shall conduct a review of the
27 degree to which the criteria and procedures used to evaluate the
28 submitted materials for that adoption were consistent with the state
29 board's adopted curriculum framework.

30 (g) This section does not limit the authority of the state board
31 to adopt materials that are not basic instructional materials.

32 (h) If the governing board of a school district establishes to the
33 satisfaction of the state board that the state-adopted instructional
34 materials do not promote the maximum efficiency of pupil learning
35 in the school district, the state board shall authorize that governing
36 board of the school district to use its instructional materials
37 allowances to purchase materials as specified by the state board,
38 in accordance with standards and procedures established by the
39 state board.

1 (i) Consistent with the quality criteria for the state board's
2 adopted curriculum framework, the state board shall prescribe
3 procedures to provide the most open and flexible materials
4 submission system and ensure that the adopted materials in each
5 subject, taken as a whole, provide for the educational needs of the
6 diverse pupil populations in the public schools, provide collections
7 of instructional materials that illustrate diverse points of view,
8 represent cultural pluralism, and provide a broad spectrum of
9 knowledge, information, and technology-based materials to meet
10 the goals of the program and the needs of pupils.

11 (j) Upon making an adoption, the state board shall make
12 available to listed publishers and manufacturers and all school
13 interests a listing of instructional materials, including the most
14 current unit cost of those materials as computed pursuant to existing
15 law. Items placed upon lists shall remain thereon, and be available
16 for procurement through the state's systems of financing, from the
17 date of the adoption of the item and until a date established by the
18 state board. The date established by the state board for continuing
19 items on that list shall be the date on which the state board adopts
20 instructional materials based upon a new or revised curriculum
21 framework. Lists of adopted materials shall be made available by
22 subject and grade level to school districts and posted on the
23 department's Internet Web site and shall include information from
24 the reports of findings pursuant to paragraph (3) of subdivision
25 (c). The lists shall terminate and shall no longer be effective on
26 the date prescribed by the state board pursuant to this subdivision.

27 (k) The state board may approve multiple lists of instructional
28 materials, without designating a grade or subject, and the state
29 board may designate more than one grade or subject whenever it
30 determines that a single subject designation or a single grade
31 designation would not promote the maximum efficiency of pupil
32 learning. Any materials so designated may be placed on single
33 grade or single subject lists, or multigrade or interdisciplinary lists,
34 or may be placed on separate lists including other materials with
35 similar grade or subject designations.

36 (l) A composite listing in the format of an order form may be
37 used to meet the requirements of this section.

38 (m) The lists maintained pursuant to this section shall not be
39 deemed to control the use period by any school district.

(n) The state board shall give publishers the opportunity to modify instructional materials, in a manner provided for in regulations adopted by the state board, if the state board finds that the instructional materials do not comply with paragraph (5) of subdivision (d).

(o) This section does not prohibit the publisher of instructional materials from including whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third-party sources of content.

(p) The state board may adopt regulations that provide for other exceptions to this section, as determined by the board.

(q) The Superintendent shall develop, and the state board shall adopt, guidelines to implement this section.

~~SEC. 4.~~

~~SEC. 16.~~ Section 60200.1 of the Education Code is repealed.

~~SEC. 5.~~

~~SEC. 17.~~ Section 60203 of the Education Code is amended to read:

60203. The state board shall hold a public hearing before adopting instructional materials for use in the elementary schools of the state.

~~SEC. 6.~~

~~SEC. 18.~~ Section 60204 of the Education Code is amended to read:

60204. ~~The commission~~ *Instructional Quality Advisory Committee established pursuant to Section 33530* shall do all of the following:

(a) Recommend curriculum frameworks to the state board.

(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and comply with the provisions of Article 3 (commencing with Section 60040) of Chapter 1. The criteria developed by the ~~commission~~ *committee* shall be consistent with the duties of the state board pursuant to Section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting that information.

(1) The criteria *for English language arts instructional materials* shall include directions to publishers to align both lessons and

teacher's editions, as appropriate, with English language development standards and incorporate strategies to address, at every grade level and subject, the needs of English learners, including, but not limited to, speakers of Spanish, Vietnamese, Filipino, Cantonese, Hmong, and Korean: all English learners. The criteria for other subject areas shall include directions to publishers to incorporate strategies for English learners that are consistent with the English language development standards.

(2) The criteria also shall include directions to publishers to incorporate instructional strategies to address the needs of pupils with disabilities in both lessons and teacher's editions, as appropriate, at every grade level and subject.

(c) Review reports of findings made by the Superintendent or by school districts pursuant to paragraph (3) of subdivision (c) of Section 60200, at the request of the state board, and review instructional materials, as necessary.

(d) Hear appeals at the request of the state board.

(e) Give independent advice to the state board about whether instructional materials meet the evaluation criteria developed pursuant to subdivision (b).

(e)

(f) Recommend to the state board policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.

(g) Advise and make recommendations to the state board, including, but not limited to, what policies and activities are needed to implement the common core standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards.

SEC. 7.

SEC. 19. Section 60207 is added to the Education Code, to read:

60207. (a) Notwithstanding Section 60200.7, the state board shall adopt revised curriculum frameworks and evaluation criteria that are aligned to the content standards adopted pursuant to Section 60605.8 for mathematics and English language arts no later than May 30, 2013, and May 30, 2014, respectively.

(b) State board policies shall ensure that *the English language arts* curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the ~~four~~ core subjects of mathematics, science, *and* history-social science; ~~and English language arts.~~

(c) State board policies shall ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the four core subjects of mathematics, science, history-social science, and English language arts.

(d) Each curriculum framework that the state board adopts shall describe, to the extent the state board deems appropriate, the manner in which content can be delivered to intentionally build all of the following skills into and across each content area:

(1) Creativity and innovation, including, but not limited to, thinking creatively, working creatively with others, and implementing innovations.

(2) Critical thinking and problem solving, including, but not limited to, reasoning effectively, using systems thinking, making judgments and decisions, and solving problems.

(3) Collaboration, including, but not limited to, working effectively in diverse teams, adapting to change and being flexible, demonstrating initiative and self-direction, working independently, demonstrating productivity and accountability, and demonstrating leadership and responsibility.

(4) Communication, including, but not limited to, communicating clearly and effectively through reading, writing, and speaking.

(5) Construction and exploration of new understandings of knowledge through the integration of content from one subject area to another and to provide pupils with multiple modes for demonstrating innovative learning.

~~SEC. 8.~~

SEC. 20. Section 60208 is added to the Education Code, to read:

1 60208. (a) It is the intent of the Legislature to do ~~all~~ *both* of
2 the following:

3 ~~(a)~~

4 (1) Provide to local educational agencies a process that *involves*
5 *teachers, and* is consistent with the implementation of
6 standards-based curricula and the principle of local control and by
7 which they may identify, evaluate, and recommend instructional
8 materials for adoption to the state board.

9 ~~(b)~~

10 (2) Consistent with Section 60200.7, ensure that school districts
11 are provided with as many high-quality standards-aligned
12 instructional material options as possible, so that educators may
13 have many rigorous options in choosing the best materials that
14 meet the needs of all pupils, including English learners and pupils
15 with disabilities, and that ensure that their pupils are able to master
16 the academic content standards adopted by the state board pursuant
17 to Section 60605.8.

18 ~~(c) Direct the Superintendent, in consultation with teachers and~~
19 ~~county offices of education, to do all of the following:~~

20 ~~(b) The Superintendent, in consultation with teachers, district~~
21 ~~and county office of education curriculum administrators,~~
22 ~~professional development training experts, and representatives~~
23 ~~from postsecondary institutions or other educational agencies and~~
24 ~~organizations, as deemed appropriate by the Superintendent, shall~~
25 ~~develop a system of professional development for teachers and~~
26 ~~administrators that includes, but is not limited to, all of the~~
27 ~~following:~~

28 ~~(1) Develop model~~ Model professional development modules
29 for teachers, principals, and other school leaders.

30 ~~(2) Develop criteria~~ Criteria to guide the development of the
31 model professional development modules. *The criteria shall be*
32 *based on the California Standards for the Teaching Professions*
33 *and developed in consideration of the National Staff Development*
34 *Council's Standards for Staff Development.*

35 ~~(3) The use of assessments and data to support teaching and~~
36 ~~learning.~~

37 ~~(3) Develop model~~

38 (4) Model professional development modules to deepen the
39 understanding of *at least* all of the following:

40 (A) The common core academic content standards.

1 (B) Curriculum frameworks.

2 (C) English language development standards.

3 (D) Instructional strategies to support the learning of all pupils,
4 including English learners, pupils with disabilities, and
5 underperforming pupils.

6 ~~(E) The use of assessments and data to support teaching and~~
7 ~~learning.~~

8 *(E) Instructional strategies that promote creativity, innovation,*
9 *critical thinking, problem solving, collaboration, and*
10 *communication skills in all academic content areas.*

11 (F) The use of instructional technology.

12 (G) The integration of subject content knowledge.

13 (H) Instructional leadership and coaching.

14 ~~(4) Ensure that professional~~

15 ~~(5) Professional development opportunities are available to for~~
16 ~~teachers, principals, and school leaders.~~

17 ~~(5) Provide model~~

18 *(6) Model professional development modules, available through*
19 *multiple delivery methods, including, but not limited to,*
20 *school-based and web-based delivery.*

21 *(c) Consult with teachers, including, but not limited to,*
22 *consulting with credentialed employees selected from a wide*
23 *variety of affected grade levels, subject areas, and geographical*
24 *areas.*

25 ~~SEC. 9.~~

26 *SEC. 21.* Section 60601 of the Education Code is amended to
27 read:

28 60601. This chapter shall become inoperative on July 1, 2014,
29 and as of January 1, 2015, is repealed, unless a later enacted statute
30 that is enacted before January 1, 2015, deletes or extends the dates
31 on which it becomes inoperative and is repealed.

32 ~~SEC. 10.~~

33 *SEC. 22.* Section 60603 of the Education Code is amended to
34 read:

35 60603. As used in this chapter:

36 (a) “Achievement test” means any standardized test that
37 measures the level of performance that a pupil has achieved in the
38 core curriculum areas.

39 (b) “Assessment of applied academic skills” means a form of
40 assessment that requires pupils to demonstrate their knowledge

of, and ability to apply, academic knowledge and skills in order to solve problems and communicate. It may include, but is not limited to, writing an essay response to a question, conducting an experiment, or constructing a diagram or model. An assessment of applied academic skills may not include assessments of personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(c) “Basic academic skills” means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex intellectual abilities, including the synthesis and application of knowledge.

(d) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils expected to learn in each of the core curriculum areas, at each grade level tested.

(e) “Core curriculum areas” means the areas of reading, writing, mathematics, history-social science, and science.

(f) “Diagnostic assessment” means interim assessments of the current level of achievement of a pupil that serves both of the following purposes:

(1) The identification of particular academic standards or skills a pupil has or has not yet achieved.

(2) The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.

(g) “Direct writing assessment” means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(h) “End of course exam” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(i) “Formative assessment” means assessment tools and processes that are embedded in instruction and are used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

(j) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats, including, but not limited to, items that allow for

1 open-ended responses and items that require the completion of
2 performance-based tasks. A high-quality assessment should have
3 the following characteristics:

4 (1) Enable measurement of pupil achievement and pupil growth.
5 (2) Be of high technical quality by being valid, reliable, fair,
6 and aligned to standards.

7 (3) Incorporate technology where appropriate.

8 (4) Include the assessment of pupils with disabilities and English
9 learners.

10 (5) Use, to the extent feasible, universal design principles, as
11 defined in Section 3 of the federal Assistive Technology Act of
12 1998 (29 U.S.C. Sec. 3002) in its development and administration.

13 (k) “Interim assessment” means an assessment that is given at
14 regular and specified intervals throughout the school year, is
15 designed to evaluate a pupil’s knowledge and skills relative to a
16 specific set of academic standards, and produces results that can
17 be aggregated by course, grade level, school, or local educational
18 agency in order to inform teachers and administrators at the pupil,
19 classroom, school, and local educational agency levels.

20 (l) “Performance standards” are standards that define various
21 levels of competence at each grade level in each of the curriculum
22 areas for which content standards are established. Performance
23 standards gauge the degree to which a pupil has met the content
24 standards and the degree to which a school or school district has
25 met the content standards.

26 (m) “Publisher” means a commercial publisher or any other
27 public or private entity, other than the department, which is able
28 to provide tests or test items that meet the requirements of this
29 chapter.

30 (n) “Statewide pupil assessment program” means the systematic
31 achievement testing of pupils in grades 2 to 11, inclusive, pursuant
32 to the standardized testing and reporting program under Article 4
33 (commencing with Section 60640) and the assessment of basic
34 academic skills and applied academic skills, administered to pupils
35 in grade levels specified in subdivision (c) of Section 60605,
36 required by this chapter in all schools within each school district
37 by means of tests designated by the state board.

38 ~~SEC. 11.~~

39 *SEC. 23.* Section 60604.5 of the Education Code is amended
40 to read:

1 60604.5. (a) It is the intent of the Legislature that the
2 reauthorization of the statewide pupil assessment program include
3 all of the following:

4 (1) A plan for transitioning to a system of high-quality
5 assessments.

6 (2) Alignment with the standards developed pursuant to
7 subdivision (d) of Section 60605.8.

8 (3) Any common assessments aligned with the standards
9 developed pursuant to subdivision (d) of Section 60605.8.

10 (4) Conformity to the assessment requirements of any
11 reauthorization of the federal Elementary and Secondary Education
12 Act or any other federal law that effectively replaces that act.

13 (b) The Superintendent shall develop recommendations for the
14 reauthorization of the statewide pupil assessment program. The
15 recommendations shall include, but not be limited to, a plan for
16 transitioning to a system of high-quality assessments. The
17 recommendations shall consider including all of the following in
18 the reauthorized assessment system:

19 (1) Aligning the assessments to the standards adopted or revised
20 pursuant to Section 60605.8.

21 (2) Implementing and incorporating any common assessments
22 aligned with the common set of standards developed by the
23 Common Core State Standards Initiative consortium or other
24 interstate collaboration in which the state participates.

25 (3) Conforming to the assessment requirements of any
26 reauthorization of the federal Elementary and Secondary Education
27 Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that
28 effectively replaces that act.

29 (4) Enabling the valid, reliable, and fair measurement of
30 achievement at a point in time and over time for groups and
31 subgroups of pupils, and for individual pupils.

32 (5) Allowing the comparison from one year to the next of an
33 individual pupil's scale scores in each content area tested, so as to
34 reflect the growth in that pupil's actual scores over time.

35 (6) Enabling and including the valid, reliable, and fair
36 measurement of achievement of all pupils, including pupils with
37 disabilities and English learners.

38 (7) Ensuring that no aspect of the system creates any bias with
39 respect to race, ethnicity, culture, religion, gender, or sexual
40 orientation.

1 (8) Incorporating a variety of item types and formats, including,
2 but not limited to, open-ended responses and performance-based
3 tasks.

4 (9) Generating multiple measures of pupil achievement, which,
5 when combined with other measures, can be used to determine the
6 effectiveness of instruction and the extent of learning.

7 (10) Including the assessment of science and ~~history/social~~
8 *history-social* science in all grade levels at or above grade 4.

9 (11) Assessing a pupil's understanding of and ability to use the
10 technology necessary for success in the 21st century classroom
11 and workplace.

12 (12) Providing for both formative and interim assessments, as
13 those terms are defined in this chapter, in order to provide timely
14 feedback for the purposes of continually adjusting instruction to
15 improve learning.

16 (13) Making use of test administration and scoring technologies
17 that will allow the return of test results to parents and teachers as
18 soon as is possible in order to support instructional improvement.

19 (14) Minimizing testing time while not jeopardizing the validity,
20 reliability, fairness, or instructional usefulness of the assessment
21 results.

22 (15) Including diagnostic assessments for pupils in grade 2.

23 (c) In developing the recommendations pursuant to this section,
24 the Superintendent shall consult with all of the following:

25 (1) The state board.

26 (2) The committee advising the Superintendent on the Academic
27 Performance Index pursuant to subdivision (a) of Section 52052.5.

28 (3) Measurement experts from California's public and private
29 universities.

30 (4) Individuals with expertise in assessing pupils with disabilities
31 and English learners.

32 (5) Teachers, administrators, and governing board members,
33 from California's local educational agencies.

34 (6) Parents.

35 (d) The Superintendent shall report the recommendations
36 developed pursuant to this section to the fiscal and appropriate
37 policy committees of both houses of the Legislature on or before
38 November 1, 2012.

1 ~~SEC. 12.~~

2 *SEC. 24.* Implementation of this act is subject to the
3 appropriation of funding for this purpose in the annual Budget Act
4 or other measure.

5 ~~SEC. 13.~~

6 *SEC. 25.* If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.